

Remarks

Claims 17-20, 29 and 30 are under consideration, claim 12 having been canceled, claims 1-11, 13-16 and 21-28 having been withdrawn, and new claims 29-30 have been added. Claims 17-20 have been amended.

Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by Jung (5,109,284), citing the text of claim 5 of Jung. This rejection is traversed and reconsideration is requested. Jung fails to disclose each and every structural limitation of claim 17.

Amended claim 17, in part, calls for a verification that signals or data are received by a remote device, and use of the verification or an absence of the verification to determine if the video recorder or other remote media device is powered on. In contrast, the cited text of Jung contains only a general statement --

“checking a key input of said first microcomputer and
determining whether power to said video cassette recorder is on
or not.”

That statement does not disclose whether Jung actually verifies that signals or data comprising a play command or code or sequence are actually received by a remote device, as called for in Applicant's claim 17.

Accordingly, it is respectfully requested that the rejection of claim 17 be reconsidered and withdrawn, since Jung provides no clear teaching of a verification or absence of a verification that signals or data comprising a play command or code or sequence are actually received by a video recorder or other remote media device, to determine if the remote device is powered on, as called for in Applicant's claim 17.

Further, the remainder of the disclosure of Jung does not disclose Applicant's claimed invention. Claim 5 of Jung calls for checking a key input of the first microcomputer, but the Detailed Description of Jung fails to disclose that the first microcomputer even *has* a key input, and does not describe what signals are inputted into the first microcomputer. Jung's Detailed

Description at column 2, lines 32-34, simply repeats the ambiguous language of the flow chart of Fig. 2:

The first microcomputer 20 checks the remote controlling key input in step 2a, and perceives in step 2b whether the power is on or not.

Worse yet, in column 2, lines 54-56, of Jung:

If the power is *not on* in the step 2b, the first microcomputer 20 generates the data signal for turning *off* the TV in step 2f. (Emphasis added).

Claim 5 of Jung recites that it is the power to the VCR that is checked. Neither the Detailed Description nor the Figures of Jung describe what power is being checked nor do they describe how a checking is accomplished. Even assuming *arguendo* that the first microcomputer 20 would know if its input terminals are receiving a signal, the first microcomputer 20 is shown in the Figures as part of the VCR, and the Detailed Description does not state otherwise. Therefore, the problem arises that the first microcomputer is powered off if the VCR is powered off, and cannot tell if its inputs are receiving signals.

Although not explicitly disclosed, it appears from Jung's claim 5 that microcomputer 20 has a key input. The question arises: according to Jung's Detailed Description, what signals does the key input of microcomputer 20 receive? A communication is described in the Detailed Description in the *opposite* direction, between the microcomputer 20 and the second microcomputer 50. One other communication is described in column 2, lines 25-28 of Jung:

On the other hand, the IR signal generated by the remote controlling receiver may be transmitted through the diode D2 to the second microcomputer 50.

Nowhere in Jung is communication described as originating from the second microcomputer 50 (or the remote controlled receiver 40) and inputted into the first microcomputer 20.

Accordingly, the rejection of claim 17 under 35 U.S.C. 102(b) in view of Jung is believed to have been fully overcome and reconsideration is requested.

Claims 17 and 19-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Horlander (EP 0913997), citing paragraph [0020] on page 4 and paragraph [0268] on page 32.

In paragraph [0020], either the VCR or the DSS unit can "check the status of the other device." However, no mention is made in paragraph [0020] as to how this checking is accomplished, and there is no teaching as to Applicant's independent claim 17 of a verification or absence of a verification that signals or data comprising a play command or code or sequence are actually received by a video recorder or other remote media device, to determine if the remote device is powered on.

In paragraph [0268], the VCR initiates playback, and if the DSS is off the VCR turns it to the ON state. The only Error State arises when the DSS is in a Previous Scheduled Record Mode, and is not concerned with whether the DSS is powered down, for example. Again, no mention is made in paragraph [0268] as to Applicant's independent claim 17 of a verification or absence of a verification that signals or data comprising a play command or code or sequence are actually received by a video recorder or other remote media device, to determine if the remote device is powered on.

Accordingly, the rejection of claim 17 under 35 U.S.C. 102(b) in view of Horlander is believed to have been fully overcome and reconsideration is requested.

Claim 19, which depends from claim 17 and incorporates the limitations thereof, is believed to be allowable for the reasons set forth immediately above with respect to claim 17 from which it depends.

There is no teaching in paragraph [0020] of Horlander as to the provisions of Applicant's independent claim 20, of periodically assessing the presence or content of signals and/or data output from a remote device to determine if the device is operating, determining if the video recorder or other remote media device is scheduled and/or permitted to operate at the time of

assessing the signals and/or data, so as to, issue a command or code or sequence if required, to disable the remote device by a power off command and/or a stop command and/or a pause or other command.

As mentioned, in paragraph [0268] of Horlander, the VCR initiates playback, and if the DSS is off, the VCR turns it to the ON state. As mentioned, only an Error State arises when the DSS is in a Previous Scheduled Record Mode, and no mention is made in paragraph [0268] of Horlander as to the provisions of Applicant's independent claim 20 which call for periodically assessing the presence or content of signals and/or data output from a remote device to determine if the device is operating, determining if the video recorder or other remote media device is scheduled and/or permitted to operate at the time of assessing the signals and/or data, so as to issue a command or code or sequence if required, to disable the remote device by a power off command and/or a stop command and/or a pause or other command.

Accordingly, in light of the above amendment and remarks, it is respectfully asserted that the rejection of claims 17 and 19-20 has been fully overcome and reconsideration is requested.

Claim 18 is rejected under 35 U.S.C. 103(a) as unpatentable over Horlander in view of Kim (6,351,595). This rejection is traversed and reconsideration is requested.

Kim fails to overcome the deficiencies of Horlander pointed out above with respect to claim 17 from which claim 18 depends. Kim inserts a position identification code into every frame of a video signal. Kim monitors this inserted position code on a subsequent pass over the same portion of the tape, to switch from playback to a record mode to deal with tape positioning error when a new recording is initiated. Neither Horlander nor Kim, taken either alone or in combination, teach or suggest Applicant's claim 18, which by dependency from independent claim 17, calls for a verification that signals or data comprising a play command or code or sequence are actually received by a video recorder or other remote media device, to determine if the remote device is powered on.

Accordingly, the rejection of claim 18 under 35 U.S.C. 103(a) is believed to have been fully overcome and reconsideration is requested.


Claims 29 and 30 added by this amendment are believed to be allowable for the reasons set forth above with respect to claim 20, from which they depend.

Our check in the amount of \$100.00 is enclosed to cover the additional claim fees for new dependent claims 29 and 30 (2 x \$50) in excess of twenty. Please charge any deficiency or credit any overpayment to our Deposit Account No. 15-0508.

The accompanying discussion of the applied references is believed to distinguish the present claims from the applied references. Early allowance of this application is requested.

Respectfully submitted,

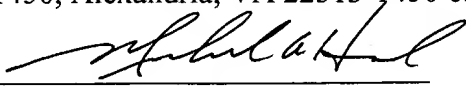
February 22, 2007

By: 
Michael A. Hierl
Reg. No. 29,807

OLSON & HIERL, LTD.
20 North Wacker Drive
36th Floor
Chicago, Illinois 60606
(312) 580-1180

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on February 22, 2007


Michael A. Hierl